

**LEGISLATIVE SERVICES AGENCY  
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

301 State House  
(317) 232-9855

**FISCAL IMPACT STATEMENT**

**LS 6005**

**BILL NUMBER:** SB 10

**DATE PREPARED:** Feb 19, 2002

**BILL AMENDED:** Feb 19, 2002

**SUBJECT:** Use of Force to Protect Person.

**FISCAL ANALYST:** Mark Goodpaster

**PHONE NUMBER:** 232-9852

**FUNDS AFFECTED:** ☒ **GENERAL**  
☒ **DEDICATED**  
**FEDERAL**

**IMPACT:** State & Local

**Summary of Legislation:** (Amended) This bill has the following provisions:

- (A) It specifies that a person may not be placed in legal jeopardy for using reasonable force to protect the person or a third person.
- (B) It allows a person to use reasonable force to stop another person from hijacking or otherwise seizing unlawful control of an aircraft in flight.
- (C) It makes it a Class D felony for a person to enter a secured area of an airport.
- (D) It makes it a Class A felony for a person to use force or violence to hijack an aircraft in flight.
- (E) It makes it a Class B felony for a person to commit criminal confinement on an aircraft.
- (F) It makes it a Class A misdemeanor to knowingly or intentionally enter an area of an airport without submitting to inspection to which access is controlled by the inspection of persons or property.

**Effective Date:** July 1, 2002.

**Explanation of State Expenditures:** (Revised) The felonies are punishable by the following prison terms, depending upon mitigating and aggravating circumstances.

Felony Class	Minimum	Presumptive	Maximum
Murder	45 years	55 years	65 years
A	20 years	30 years	50 years
B	6 years	10 years	20 years
D	six months	1.5 years	3 years

The average expenditure to house an adult offender was \$22,131 in FY 2000. Individual facility expenditures ranged from \$16,442 to \$40,312. (This does not include the cost of new construction.) If offenders can be housed in existing facilities with no additional staff, the average cost for medical care, food, and clothing is approximately \$1,825 annually, or \$5 daily, per prisoner. The following shows the average length of stay in Department of Correction (DOC) facilities by felony.

Felony Class	Length of Stay
A	9.1 years
B	3.7 years
D	290 days

**Explanation of State Revenues:** (Revised) If additional court cases occur and fines are collected, revenue to both the Common School Fund and the state General Fund would increase. The maximum fine for a Class A, B, or D felony is \$10,000. The maximum fine for a Class A misdemeanor is \$5,000. Criminal fines are deposited in the Common School Fund. If the case is filed in a circuit, superior, or county court, 70% of the \$120 court fee that is assessed and collected when a guilty verdict is entered would be deposited in the state General Fund. If the case is filed in a city or town court, 55% of the fee would be deposited in the state General Fund.

**Explanation of Local Expenditures:** (Revised) A Class A misdemeanor is punishable by up to one year in jail. The average daily cost to incarcerate a prisoner in a county jail is approximately \$44.

**Explanation of Local Revenues:** (Revised) If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from the following sources: (1) The county general fund would receive 27% of the \$120 court fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. (2) A \$3 fee would be assessed and, if collected, would be deposited into the county law enforcement continuing education fund. (3) A \$2 jury fee is assessed and, if collected, would be deposited into the county user fee fund to supplement the compensation of jury members.

**State Agencies Affected:** Department of Correction.

**Local Agencies Affected:** Trial courts, local law enforcement agencies.

**Information Sources:** Indiana Sheriffs Association, Department of Correction.